



Chapter 7

BUILDINGS

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Article I In GeneralSec. 7-1. Building Official generally.

There is hereby created the office of Building Official, also known as the Building Official, who shall be an employee of the City, to be hired by the City Administrator. The Building Official is hereby authorized and empowered to enforce all ordinances relating to the construction, equipment, management, conditions and zoning of all property within the city.

Sec. 7-2. Building Contractors' Examination Board--Established; composition; appointment and qualifications of members; meetings; appointment and terms of office.

There is hereby established a Contractor's Examination Board, also to act as the board of appeals, and referred to herein as "the Board." The Board shall consist of nine members. One member shall be an at-large member who is a resident of the city; one member shall be an architect or civil engineer; one member shall be a city Councilmember; two members shall be licensed building contractors with at least five years experience in such contractor work; two members shall be licensed plumbing contractors with at least five years experience in such plumbing work; and two members shall be licensed electrical contractors with at least five years experience in such electrical work. The members of the board shall each be appointed by the Mayor with the approval of the City Council, for a three-year term. Terms of members shall begin on January 1 and shall be staggered, with three members reaching the end of their term at the end of each calendar year. In January following passage of this ordinance, three members will be appointed for one year, three members will be appointed for two years and three members will be appointed for three years. Subsequent appointments shall be for three years each unless to fill an unexpired term. At the discretion of the Governing Body, members may be appointed for more than one term. The board shall meet at such intervals as necessary for the proper performance of its duties, but in any case, shall meet not less than twice each year.

Sec. 7-3. Authority to establish certain standards and procedures, etc.

The Board shall establish standards and procedures for the application, qualifications, examination and licensing of building contractors and shall advise the Administrative Services Director to issue an appropriate license to each person who meets the qualifications therefore and shall keep an official record of all its transactions.

Article II The Uniform and International Codes

Sec. 7-4. Adoption by reference; copies to be kept on file.

The International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code (Chapters 1-10), National Electrical Code, Uniform Sign Code, and the Uniform Code for the Abatement of Dangerous Buildings, including all changes, amendments, replacements or supplements thereto, as adopted and published by the International Conference of Building Officials and International Code Council (ICC) to be referenced with International Codes, as modified herein, are made a part hereof by this reference, the same as though incorporated herein at length. Subsequent editions, changes, amendments, replacements and supplements of these codes shall become effective sixty days after being received and designated as official copies by the city. All fees for the issuance of permits shall be from the fee schedules approved and adopted by the Governing Body.

One copy of each specific code shall be kept on file by the city, and shall be marked with the words "Property of the City of Cody, Official Copy."

Sec. 7-5. Downtown architectural district.

(a) There is established a downtown architectural district. The Planning and Zoning Board shall review all applications and plans for building and sign permits insofar as they pertain to the exterior of commercial buildings in the downtown district described as follows:

Block 22, Lots 9-16, Block 23 Lots 6-12, Block 24 Lots 11-17 and 8-22, Block 4 Lots 9-24, Block 5 Lots 9-24, Block 6 Lots 9-24, Blocks 7, 8, 9, 50, 51, 52, 53, 54, 55, 56, 29, 10, 11, 12, Block 13 Lots 1--16, Block 14 Lots 1--16, Block 15 Lots 1-16, Block 28 Lots 1-8, Block 27 Lots 1--8, Block 26 Lots 1--8 all of Original Town Subdivision, and a tract of land bounded on the north by the northerly boundary line of NW1/4 SW1/4 of Section 32, now Tract 79 Resurvey, T. 53 N., R. 101 W., 6th P.M., on the west by the centerline of Eighth Street on the south by the south line of Beck Avenue, and on the east by the center line of Ninth Street, and a tract of land bounded on the east by Tenth Street, on the north by Park Lane, on the west by Ninth Street and on the south by Rumsey Avenue, and a tract of land in the SW1/4 of the NW1/4 of Section 32, Township 53 North, Range 101 West of the 6th P.M. more particularly described as follows: beginning at corner 1/82

proceeding in a near northerly direction to a projection of the South line of Rumsey Avenue thence proceeding in a near easterly direction to the west line of Ninth Street and Sheridan Avenue thence to the point of beginning all in Cody, Park County, Wyoming.

(b) The Planning and Zoning Board shall examine and evaluate applications and plans involved in building and sign permits insofar as they pertain to the exterior of commercial buildings within the downtown district as herein described and shall make recommendations and suggestions to the applicants, property owners or occupants.

Sec. 7-6. Meeting with Planning and Zoning Board required before building permit issued.

Before the issuance of any permit under the International Building Code for commercial buildings situated within the City, the applicant, property owner and occupant shall meet with the Planning and Zoning Board to review the application and plans insofar as they pertain to the exterior of a commercial building and site plan conditions. The issuance of a permit shall be conditioned upon the applicant receiving an affirmative vote of a majority of the Planning and Zoning Board members in attendance at said meeting.

Article III House Numbers

Sec. 7-7. Lawful numbers required.

Every dwelling and business house in the city now or hereafter erected, shall be numbered in the manner to be determined by the building official; and it shall be unlawful for any person to erect or maintain any house numbers which do not conform with the provisions of this article.

Sec. 7-8. Notice to comply with article.

The building official shall notify the owner or agent of any building or premises which are not numbered in compliance herewith, to affix or inscribe the proper number in plain and legible figures, on the front of such building or premises. Such notice shall be served personally on such owner or agent, by leaving the same at the residence or premises or place of business of such owner or agent or in case such owner or agent cannot be found, such notice shall be served on the occupant of such building or premises. It shall be the duty of such owner, agent or occupant to comply with such notice, within ten days from date thereof.

Article IV Contractor's LicenseSec. 7-9. Required; exceptions; licensing categories.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, do electrical, plumbing or mechanical work in or on any building or structure regulated by the city unless licensed in the particular contracting category under the provisions of this article.

An owner may be granted permits to construct, enlarge, alter, repair, move, improve, remove, convert, demolish, do electrical, plumbing or mechanical work in, on or for a single family dwelling with a private garage and private accessory buildings all on the same premises, provided that such work is to be performed by the owner. If such work is to be performed by anyone other than the owner of the property, the person performing the work must be licensed in the particular contracting category under the provisions of this article. No owner shall be granted more than two permits in any five years for the construction of a single family dwelling. Where an owner is granted such a permit, all elements shall be inspected and shall comply fully with the current codes as herein adopted.

Decorators, painters, carpet, flooring and tile layers, wallpaperers, drapers, sign painters and those involved in nonstructural maintenance work are specifically excluded from the provisions of this section.

Class A: A Class A contractor's license shall be required of persons engaged in the construction contracting business.

Class B Limited: A Class B Limited contractor's license shall be required of persons engaged in construction contracting work of any kind where not working directly as a subcontractor under a licensed general contractor. Permits shall be obtained from the city for work regulated by the Uniform Codes adopted in this chapter.

"Construction contracting" as used herein shall include the erection construction, assembling, enlarging, structurally altering, moving, removing, demolishing and doing electrical, plumbing or mechanical work in or on any building or structure regulated by the city.

Sec. 7- 10. Application; application fee; application for re-examination.

Class A licensee. Any person desiring to be licensed as a Class A contractor shall make written application to the Contractors' Examination Board. The application fee shall be as established by the building official and approved by the governing body. Such fee shall accompany the application and is non-returnable. A written examination shall be required.

Class B Limited licensee. Any person desiring to be licensed as a Class B Limited licensee shall make written application to the Contractors' Examination Board. The application fee shall be as established by the building official and approved by the governing body. Such fee shall accompany the application and is non-returnable.

Any such person shall present to the board proof of their qualifications.

The board may require any person to appear before the board. Any person who fails to pass the prerequisite qualification may make reapplication after expiration of a thirty day period and upon payment of required application fee.

Appeals to any action of the board shall be submitted to the Governing Body.

Sec. 7-11. Term of license; initial and renewal fees; expired license not to be renewed.

All licenses required herein and issued by the City shall expire on December 31 of the year in which they are issued. The initial license fee shall be one hundred dollars (\$100.00) for all Class A licenses and one hundred dollars (\$100.00) for Class B Limited licenses. Every licensee in good standing may have their license renewed upon payment of a renewal fee of one hundred dollars (\$100.00) without further proof of qualifications. Licenses which have been expired for more than thirty days shall not be renewed. In such instances, the licensee may make application to the board, pay the application fee, and upon approval of the board, may be issued a new license upon payment of the required one hundred fifty dollar (\$150.00) fee. The board may, at its sole discretion, require the licensee to submit to re-examination before granting its approval for a new license to be issued.

Sec. 7-12. Grounds and procedure for suspension or revocation of license; effects thereof.

(a) Grounds:

The Contractors' Examination Board may suspend or revoke any license issued under the provisions of this article when the licensee or an employee of the licensee commits one or more of the following acts or omissions:

(1) Obtaining the license through nondisclosure, misstatement or misrepresentation of a material fact;

(2) Failure to comply with any of the requirements of this article;

(3) Knowingly combining or conspiring with any unlicensed person to evade the provisions of this article, by permitting one's license to be used by such person;

(4) Knowingly acting as agent, partner, associate or in any other capacity, with any unlicensed person, to evade the provisions of the article;

(5) Knowingly violating any provisions of all city ordinances.

(b) Procedure:

When any of the acts or omissions as enumerated above are committed by a licensee or his employees and the Contractors' Examination Board deems that such license shall be suspended or revoked, the procedure shall be as follows: the Contractors' Examination Board shall give notice to licensee by mail of the facts or conduct which warrants the revocation or suspension of the license, and that such revocation or suspension will be effective immediately if a request for a hearing on such matter is not received as provided in subsection (b)(1) of this section:

(1) Upon receipt of the notice, the licensee may request a hearing before the board. Such request shall be in writing to the board within seven days of receipt of notice. Failure by the licensee to request the hearing shall be deemed a waiver of any right to a hearing on the matter and the order of suspension or revocation shall become final;

(2) At such hearing, the licensee shall be given an opportunity to show compliance with all lawful requirements for the retention of the license. The licensee shall be given the opportunity to present testimony, oral and/or written, and shall have the right of cross examination. All testimony shall be under oath. The board shall have the power to administer oaths, issue subpoenas and compel the attendance of witnesses. The decision of the board shall be based upon the evidence produced at the hearing and made a part of the record thereof. The hearing shall be conducted in compliance with the procedures promulgated in accordance with the Wyoming Administrative Procedures Act.

(c) Effects:

(1) A person whose license has been revoked or suspended shall not be entitled to file a new application by the establishment of a new legal entity, or otherwise, during the length of such revocation or suspension.

(2) In addition to the revocation or suspension of any license as provided in this chapter, any person who violates any provisions of this article, or any rule or regulation promulgated hereunder, is guilty of a misdemeanor, the penalty for which is prescribed under General Provisions Chapter of this City Code.

Sec. 7-13. Insurance required.

(a) No license shall be issued or renewed for a Class A contractor or a Class B limited contractor until the contractor has filed with the city clerk proof of liability

insurance insuring the contractor, his agents, employees and representatives, or anyone under licensee's supervision for the following insurance coverage while engaged in any activity or work pursuant to a contractor's license:

Bodily injury liability insurance. Insurance coverage with limits not less than five hundred thousand dollars for bodily injury or death sustained by one person and one million dollars for each occurrence. Property damage liability insurance. Coverage with limits not less than five hundred thousand dollars for each occurrence.

(b) Licensees under this article shall notify the city clerk within ten working days of the effective date of a change in the licensee's insurance and within ten working days of a licensee's notification of cancellation or non-renewal of the insurance, in whole or part. Licensees under this article shall keep current proof of insurance on file with the city clerk and the city shall not notify any such licensees of impending expiration of insurance coverage.

Sec. 7-14. Notification of board of place of business, etc.

Every person licensed under this chapter shall notify the Contractors' examination board of the address of his place of business and the name under which such business is carried on and shall give immediate notice to the board of any change in either.

Sec. 7-15. Persons excluded from requirements of article.

Any person who is under contract and bond to the city for any municipal work shall be excluded from the requirements of obtaining a license and furnishing the bond required by this article.

Article V Townhouses and Condominiums

Sec. 7-16. Definition of Condominium

The definition of a condominium shall be as defined in the Zoning Chapter. Before a building permit is issued for the construction of any condominiums, an owners association charter shall be drafted and submitted for review by the city attorney and final approval by the City Planning and Zoning Board.

Article VI Flood Damage PreventionSec. 7-17. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Alluvial Fan Flooding – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport, and deposition, and unpredictable flow paths.

Apex – means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of Shallow Flooding – means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard – is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Base Flood – means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement – means any area of the building having its floor sub-grade (below ground level) on all sides.

Critical Feature – means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development – means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building – means a non-basement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, “elevated building” also includes a building otherwise meeting the definition of “elevated building,” even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing Construction – means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision – means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding – means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) the overflow of inland or tidal waters.
- (b) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) – means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map

Floodplain or Flood-prone Area – means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Management – means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations – means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System – means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood Proofing – means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway) – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Functionally Dependent Use – means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade – means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure – means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(e) by an approved state program as determined by the Secretary of the Interior or;

(f) directly by the Secretary of the Interior in states without approved programs.

Levee – means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System – means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor – means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

Manufactured Home – means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

Manufactured Home Park or Subdivision – means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction – means, for the purpose of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational Vehicle – means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projections;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction – (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land

preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure – means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement – means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or

(b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

Variance – is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation – means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation – means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 7-18. General Provisions.

Lands to Which this Ordinance Applies. The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Cody including extra-territorial jurisdiction (ETJs) if applicable, of the City of Cody.

Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, “The Flood Insurance Study for Park County and The City of Cody,” dated April 25, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

Establishment of Development Permit. A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State Statutes.

Warning and Disclaimer or Liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This

ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Sec. 7-19. Administration.

Designation of the Floodplain Administrator. The Public Works Director is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

Duties & Responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (a) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (b) Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (c) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (d) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (e) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (f) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Wyoming Emergency Management Agency, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(h) When base flood elevation data has not been provided in accordance with Sec. 7-18, Basis for Establishing the Areas of Special Flood Hazard, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Sec. 7-20.

Permit Procedures. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Sec. 7-20, Specific Standards, paragraph (2) – Nonresidential Construction;

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(e) Maintain a record of all such information in accordance with Sec. 7-19, Duties & Responsibilities of the Floodplain Administrator, paragraph (1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

- (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
- (g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- (h) The necessity to the facility of a waterfront location, where applicable;
- (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (j) The relationship of the proposed use to the comprehensive plan for that area.

Variance Procedures.

- (a) The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- (b) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (c) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in the paragraph entitled "Permit Procedures," paragraph (2) of this Section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) variances shall only be issued upon:

(i) showing a good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(1) the criteria outlined in Sec. 7-19, Variance Procedures, paragraphs (a)-(i) are met, and

(2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 7-20. Provisions for Flood Hazard Reduction.

General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(a) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(c) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(d) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(e) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(f) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(g) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Sec. 7-18, Basis for Establishing the Areas of Special Flood Hazard, (ii) Sec. 7-19, Duties & Responsibilities of the Floodplain Administrator, paragraph (h), or (iii) Sec. 7-20, Standards for Subdivision Proposals, paragraph (c), the following provisions are required:

(a) Residential Construction – new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Sec. 7-19, Permit Procedures, paragraph (a), is satisfied.

(b) Nonresidential Construction – new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

(c) Manufactured Homes – Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

Standards for Subdivision Proposals.

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this ordinance.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Sec. 7-18, Establishment of Development Permit; Sec. 7-19, Permit Procedures; and the provisions of Sec. 7-20 of this ordinance.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Sec. 7-18, Basis for Establishing the Areas of Special Flood Hazard or Sec. 7-19, Duties & Responsibilities of the Floodplain Administrator, paragraph (h) of this ordinance.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.